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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/535,669	05/19/2005	Shinnosuke Torii	03500.018238	7661
5514 7590 05/02/2007 FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			EXAMINER AGUSTIN, PETER VINCENT	
			ART UNIT 2627	PAPER NUMBER
			MAIL DATE 05/02/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/535,669	Applicant(s) TORII, SHINNOSUKE	
	Examiner P. Agustin	Art Unit 2627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 3 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 May 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

1. This application is a 371 of PCT/JP04/09382, filed June 25, 2004.
2. Claim 3 is now pending.

Priority

3. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Drawings

4. Figures 5A-5C & 8A-8C should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

5. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Objections

6. Claim 3 is objected to because of the following informalities:

Claim 3, line 3: "in the disc cartridge" should be --in a disc cartridge--.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claim 3 is rejected under 35 U.S.C. 102(b) as being anticipated by Ohmori et al. (US 5,850,384).

In regard to claim 3, Ohmori et al. disclose an information recording/reproducing device (Figures 10-12) for at least one of recording information on and reproducing information from a disc-like recording medium (302) housed in the disc cartridge (301), with the disc cartridge comprising a case main body having a housing part (303) for housing the recording medium, an aperture (Figure 4, element 316) that allows a light beam to enter from an optical pickup (Figure 11, element C) that is provided to at least one principle plane of the case main body, a thin bridge part (Figure 4, elements 306a & 316a) provided to the aperture, which is thinner than a cartridge case (as shown in Figure 4), and a shutter (311) for opening and closing the aperture, wherein the thin bridge part (Figure 4, elements 306a & 316a) is disposed at a position farther from the optical pickup than a surface of the recording medium (as shown in Figure 4) which is on a state in which the disc cartridge is mounted to an information recording/reproducing device (as shown in Figure 10), the information recording/reproducing device comprising: a turntable (Figure 11, element B) for rotating the recording medium; an optical pickup (C) that emits a light beam to the recording medium so as to at least one of record and reproduce the information, and which moves to/retracts from the aperture of the disc cartridge; and a mechanism (42) for moving the

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optical pickup in an in-plane direction of the recording medium, wherein in at least one of a case where the recording medium is to be mounted to the turntable, and a case where the recording medium is to be removed from the turntable, the optical pickup is retracted into a position opposite to the thin bridge part of the disc cartridge (as shown in Figures 4, 10 & 11).

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Tanaka et al. (US 5,040,167), Tani et al. (US 5,237,560) & Shihou (US 5,883,871) all disclose disc cartridges having a recessed/notched bridge in the shutter area.

Fujisawa (US 6,014,294) discloses a disc cartridge with a clearance groove for clearing the shutter opening member.

Shiomi et al. (US 2003/0058784) disclose a disc cartridge having a mechanism that prevents dust and dirt from depositing on the outer surface of the main cartridge body unit.

Choi et al. (US 6,788,645) disclose a disk cartridge with an improved opening/closing structure so as to maintain an opening with a conventional width for a pick-up while reducing the overall size of the disk cartridge.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to P. Agustin whose telephone number is 571-272-7567. The examiner can normally be reached on Monday-Thursday 8:30-6:30 PM.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrea Wellington can be reached on 571-272-4483. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

P. Agustin
Art Unit 2627


ANDREA WELLINGTON
SUPERVISORY PATENT EXAMINER